

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY XAVIER HOUSTON,

Plaintiff,

vs.

NORTH KERN STATE PRISON, et al.,

Defendants.

No. 1:21-cv-00953-AWI-GSA-PC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL
(Doc. No. 7.)**

**ORDER DISMISSING THIS CASE,
WITHOUT PREJUDICE, FOR FAILURE
TO OBEY COURT ORDER
(Doc. No. 4.)**

ORDER FOR CLERK TO CLOSE CASE

Plaintiff, Tony Xavier Houston, is a state prisoner proceeding *pro se* with this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 27, 2021, the assigned magistrate judge issued findings and recommendations, recommending that this case be dismissed, without prejudice, for plaintiff's failure to obey a court order. (Doc. No. 7.) The pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.*) To date, no objections to the findings and recommendations have been filed with the court, and the time in which to do so has now passed.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted
2 a *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
3 and recommendations to be supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued by the magistrate judge on August 27,
6 2021, are adopted in full;
- 7 2. This case is dismissed, without prejudice, based on plaintiff's failure to obey the
8 court's order issued on June 28, 2021; and
- 9 3. The Clerk is directed to close this case.

10 IT IS SO ORDERED.

11 Dated: October 1, 2021

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13 SENIOR DISTRICT JUDGE
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